

Docket Number: 2476

APPALACHIAN INDUSTRIES, INC., on its own behalf and for the use and
benefit of C.E. Consultants, Inc.

W. Scott Staruch, Esquire
Gerard J. Pisarcik, Esquire

CLOSED
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~John J. Robinson, Jr., Assistant Chief Counsel~~
Gerald R. Schultz, Assistant Counsel

July 22, 1997

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$934,786.23+.

July 28, 1997

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT 8/27/97.**

August 4, 1997

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 31, 1997.

August 8, 1997

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 30, 1997.

August 18, 1997

Preliminary Objections to Plaintiff's Statement of Claim and Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 10, 1997

Status letter filed by attorney for Plaintiff advising that they will be filing an Amended Claim in the near future.

September 23, 1997

Status letter filed via fax by attorney for Plaintiff confirming a verbal request for an extension of time until September 29, 1997, in which to file Plaintiff's Amended Complaint.

September 24, 1997

Letter received from attorney for Plaintiff confirming a verbal requesting granting Plaintiff until September 29, 1997 in which to file Plaintiff's Amended Complaint. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 29, 1997

Amended Statement of Claim filed by attorney for Plaintiff.

October 8, 1997

Copy of Amended Statement of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. Response due from Defendant November 10, 1997.

October 10, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW,** this 10th day of October, 1997, it is hereby **ORDERED** and **DECREED** that the pending Preliminary Objections filed by the Defendant, Commonwealth of Pennsylvania, Department of Transportation, are hereby **DISMISSED** having been made moot by the filing of the Amended Complaint. It is further **ORDERED** and **DECREED** that the Defendant shall file appropriate pleadings within thirty (30) days from the expiration date of this Order. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

Acceptance of Service of Opinion and Order dated October 10, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 15, 1997.

October 27, 1997

Acceptance of Service of Order dated October 10, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 17, 1997.

November 3, 1997

Letter received from attorney for Defendant advising of an agreement between the parties granting Defendant until November 27, 1997 for Defendant to respond to the Amended Statement of Claim.

November 26, 1997

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 5, 1998

Letter forwarded to Plaintiff requesting response to Defendant's New Matter. Response due February 5, 1998.

January 29, 1998

Answer to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 11, 1998

Letter forwarded to parties requesting status. Response due from parties March 11, 1998.

February 24, 1998

Status letter received from attorney for Plaintiff advising that the parties are commencing with discovery. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 24, 1998

Status letter received from attorney for Defendant advising that the parties are commencing with discovery. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 11, 1998

Certificate of Service of Defendant's Response to Plaintiff's First Request for Production of Documents filed by attorney for Defendant.

April 20, 1998

Certificate of Service of Defendant's Interrogatories Directed to Plaintiff (First Set) filed by attorney for Defendant.

June 3, 1998

Letter-type certificate of service of Plaintiff's Response to Defendant's First Request for the Production of Documents filed by attorney for Plaintiff.

December 23, 1998

Letter-type certificate of service of Plaintiff's First Set of Interrogatories Directed to Defendant filed by attorney for Plaintiff.

January 12, 1999

Certificate of Service of Defendant's Response to Plaintiff's Second Request for Production of Documents filed by attorney for Defendant.

January 29, 1999

Notice of Depositions of Phillip Harris, Scott Faieta, Fred Starasinic and Tony Dzurko filed by attorney for Plaintiff.

April 7, 1999

Hearing scheduled for January 10, 11, 12, 13, 14, 18, 19, 20 & 21, 2000 in Board's Courtroom No. 1, 200 North Third Street, Suite 700, Harrisburg, PA commencing at 9:30 a.m.

April 27, 1999

Certificate of Service of Defendant's Interrogatories Directed to Plaintiff (Second Set) filed by attorney for Defendant.

May 7, 1999

Certificate of Service of Defendant's Second Request for the Production of Documents filed by attorney for Defendant.

May 26, 1999

Notice of Service of Plaintiff's Second Set of Interrogatories and Request for Production of Documents Directed to Defendant filed

June 6, 1999

Notice of Service of Deposition of Mike Anthony filed by attorney for Plaintiff.

July 16, 1999

Motion to Compel Production of Documents Pursuant to PA. R.C.P. 4019 and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 16, 1999

Certificate of Service of Defendant's Response to Plaintiff's Second Set of Interrogatories and Second Request for Production of Documents Directed to Defendant filed by attorney for Defendant.

July 19, 1999

Letter forwarded to attorney for Plaintiff requesting response to Defendant's Motion to Compel Production of Documents Pursuant to PA. R.C.P. 4019 and Brief in Support. Response due August 19, 1999.

July 30, 1999

Motion to Compel Answers to Interrogatories Pursuant to Pa.R.C.P. 4019, et seq. and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Response due from Plaintiff September 6, 1999.**

August 3, 1999

Plaintiff's Motion to Compel Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. **Response due from Defendant September 9, 1999.**

August 5, 1999

Certificate of Service of Defendant's Interrogatories to Plaintiff - Third Set filed by attorney for Defendant.

August 13, 1999

Letter-type response to Defendant's Motion to Compel Answers to Interrogatories and Motion to Compel Production of Documents filed.

CLOSED

September 3, 1999

Defendant's Response to Plaintiff's Motion to Compel Production of Documents Pursuant to Pa. R.C.P. 4019 and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 7, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 7th day of September, 1999, upon consideration of Defendant's, Commonwealth of Pennsylvania, Department of Transportation, Motion to Compel Answers to Interrogatories and Request for Production of Documents and Plaintiff's Response thereto, it is hereby **ORDERED, ADJUDGED and DECREED** that the Motion is **DENIED** as **MOOT** since responses have been filed." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 14, 1999

Notice of Service of Plaintiff's Answers to Department's Interrogatories Directed to Plaintiff (Second Set); Notice of Deposition of Mr. Tony Stock; and Notice of Deposition of Mr. Bruce R. Chambers filed by attorney for Plaintiff.

September 17, 1999

Acceptance of Service of Opinion and Order dated September 7, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 14, 1999.

September 20, 1999

Letter-type response to Defendant's Brief in Support of Defendant's Objections to Plaintiff's Second Request for Production of Documents filed by attorney for Defendant.

October 13, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 13th day of October, 1999, upon consideration of Plaintiff's, Appalachian Industries, Inc., on its own behalf and for the use and benefit of C.E. Consultants, Inc., Motion to Compel Production of Documents and Brief in Support thereof and Defendant's, Commonwealth of Pennsylvania, Department of Transportation, Response it is **ORDERED, ADJUDGED** and **DECREED** that Plaintiff's Motion is **GRANTED** and Defendant is to produce the requested documents within ten (10) days of the entry date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 7, 1999

Notice of Service of Plaintiff's Responses to Defendant's Interrogatories (Third Set) filed by attorney for Plaintiff.

October 7, 1999

Notice of Service of Plaintiff's Responses to Defendant's Interrogatories (Second Set) filed by attorney for Plaintiff.

October 18, 1999

Acceptance of Service of Opinion and Order dated October 13, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 14, 1999.

October 20, 1999

Defendant's Certificate of Service of Defendant's Second Request for the Production of Documents filed by attorney for Defendant.

November 16, 1999

Notice of Service of Deposition of Mr. Tony Stock filed by attorney for Plaintiff.

November 29, 1999

Notice of Service of Notice of Deposition (Continuation) of Mr. Bruce R. Chambers filed by attorney for Plaintiff.

December 2, 1999

Notice of Service of Notice of Deposition of Mr. Anthony Dzurko, Notice of Deposition of Mr. Kirk J. Hanlon, as well as, Plaintiff's Second Request for Production of Documents filed by attorney for Plaintiff.

December 6, 1999

Notice of Service of Notice of Deposition of Mr. Phillip Harris, Notice of Deposition of Michael Dufalla, as well as, Notice of Deposition of Ms. Cyndi Durbin filed by attorney for Plaintiff.

December 10, 1999

Notice of Service of Department's Third Request for Production of Documents filed **by attorney for Defendant.**

CLOSED

Department's Motion for Partial Summary Judgment and Brief in Support thereof filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 14, 1999

Plaintiff's Pre-Trial Statement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 14, 1999

Defendant's Pre-Trial Statement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 14, 1999

Identification of witnesses filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 4, 2000

Letter received from attorney for Defendant advising that the parties have settled and requesting hearing be cancelled.

January 6, 2000

Hearing scheduled for January 10, 11, 12, 13, 14, 18, 19, 20 & 21, 2000, has been canceled due to settlement.

January 7, 2000

Letter-type Response to the Defendant's Motion for Partial Summary Judgment filed.

March 31, 2000

Praecipe to Settle, Discontinued and End filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 28, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 28th day of April, it is **ORDERED** and **DECREED** that this case be marked settled and terminated with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 4, 2000

Acceptance of Service of Opinion and Order dated April 28, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 4, 2000.

May 4, 2000

Acceptance of Service of Opinion and Order dated April 28, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 4, 2000.

CLOSED